

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 22, 2004

DIVISION TWO

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION FIVE

B166017 People (Certified for Publication)
v.
Michael Baird

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SEVEN

B149425 People (Certified for Partial Publication)
v.
Robinson

The judgment of the superior court is reversed and the matter remanded to the superior court to allow the trial court to conduct a new hearing on the *Wheeler* issues. Initially, the court must determine whether it and the attorneys can adequately address the issues at this later date. If not, the court is to order a retrial. If it can address the issues, it must first consider if the prosecutor's reasons for excusing each of the African-Americans that were the subject of the first *Wheeler* motion were constitutionally valid. If it determines that the reasons given by the prosecutor for the first *Wheeler* motions are valid, then it must reconsider the second *Wheeler* motion taking into account all of the evidence it has heard in the first *Wheeler* motion in order to determine if there has been a pattern of systematic exclusion. If the court grants any of the *Wheeler* motions, it shall order a new trial. If the court denies the *Wheeler* motions, judgment shall be reinstated and the abstract of judgment corrected to reflect defendant is entitled to 574 days conduct credit and that, as to each count, defendant receive consecutive five-year high terms for the gun use enhancement.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B162954 Arluk Medical Center (Certified for Publication)
v.
Dobler, et al.

The order denying the petition to surcharge the trustees is affirmed. Respondents are to recover their costs on appeal.

Perluss, P.J.

I concur: Zelon, J.
I dissent: Johnson, J. (Opinion)

March 22, 2004 (Continued)

DIVISION SEVEN (Continued)

B160670 Quon (Not for Publication)
v.
Menus Dot Com, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION EIGHT

B163483	People v. Bastidas	(Not for Publication)
B171850	In Re Pablo Bastidas on Habeas Corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B164381 Vogel (Not for Publication)
v.
County of Los Angeles

The order is reversed with directions to the trial court to enter a new order granting the section 425.16 motion to strike. The County is awarded costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

March 22, 2004 (Continued)

DIVISION EIGHT (Continued)

B150299 Maya B. (Not for Publication)
v.
Ronald Vogel, et al.

The judgment is affirmed. Maya is to recover her costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.